

Message Text

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PAGE 01 STATE 215420
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FM SECSTATE WASHDC
TO AMEMBASSY COTONOU

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E.O. 11652: N/A

AGS: EINV, PINS, SHUM

SUBJ: CONFISCATION OF JEHOVAH'S WITNESSES ASSETS IN
BENIN

REFS: (A) STATE 206009, (B) COTONOU 1443

1. POST COMMENTS ON TIMING OF FOLLOWUP ON JEHOVAH'S
WITNESSES CLAIM ARE APPRECIATED. DEPARTMENT AGREES THAT
DELAY UNTIL AFTER SEPTEMBER 14 RESOLUTION OF TRAVEL
ADVISORY ISSUE IS ACCEPTABLE. WE BELIEVE, HOWEVER, THAT
REPRESENTATION SHOULD BE MADE NOT LATER THAN SEPTEMBER 25
SO THAT JEHOVAH'S WITNESSES MAY BE ADVISED IN TIMELY
FASHION OF ACTIONS TAKEN ON THEIR BEHALF.

2. WITH REGARD TO REFERENCE TO LEGISLATIVE SANCTIONS,
DEPARTMENT AGREES THAT THIS MAY BE OMITTED FROM WRITTEN
NOTE. HOWEVER, GIVEN THE FACT THAT PROPERTIES WERE
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PAGE 02 STATE 215420

SEIZED OVER 16 MONTHS AGO AND OVER 7 MONTHS HAVE PASSED
SINCE THE CLAIM WAS FILED, IT IS IMPORTANT THAT GPRB BE
MADE FULLY AWARE OF IMPLICATIONS OF CONTINUED LACK OF
ACTION TO REACH SETTLEMENT WITH JEHOVAH'S WITNESSES.
U.S. LEGISLATIVE SANCTIONS SHOULD THEREFORE BE DISCUSSED
ORALLY DRAWING ON THE TALKING POINTS IN PARA 4 BELOW.

3. LAST TWO PARAGRAPHS OF NOTE IN REF A SHOULD BE DELETED AND NEW FINAL PARAGRAPH SHOULD BE ADDED AS FOLLOWS:

-- IN LIGHT OF THE TIME THAT HAS PASSED SINCE THE JEHOVAH'S WITNESSES SOCIETY'S PROPERTIES WERE SEIZED, THE EMBASSY URGES THE GPRB TO MEET WITH THE SOCIETY IN THE NEAR FUTURE IN ORDER THAT A MUTUALLY ACCEPTABLE SETTLEMENT CAN BE NEGOTIATED. THE EMBASSY WOULD BE PLEASED TO OFFER APPROPRIATE ASSISTANCE IN ORDER TO ARRANGE MEETINGS FOR THIS PURPOSE. (COMPLIMENTARY CLOSE)

4. TALKING POINTS ON LEGISLATIVE SANCTIONS

-- THE USG RECOGNIZES THE RIGHT OF HOST GOVERNMENTS TO NATIONALIZE FOREIGN OWNED PROPERTIES, PROVIDED THIS IS DONE IN ACCORDANCE WITH ACCEPTED STANDARDS OF INTERNATIONAL LAW. THESE STANDARDS AT A MINIMUM REQUIRE THAT ANY TAKING OF PROPERTY BE NON-DISCRIMINATORY, FOR A PUBLIC PURPOSE, AND THAT THE TAKING BE ACCOMPANIED BY PROMPT, ADEQUATE AND EFFECTIVE COMPENSATION.

-- IN ADDITION TO THE REQUIREMENTS OF INTERNATIONAL LAW, THE U.S. LEGISLATION AUTHORIZING BILATERAL ASSISTANCE, TARIFF PREFERENCES FOR DEVELOPING COUNTRIES AND SUPPORT OF LOANS IN MULTILATERAL DEVELOPMENT INSTITUTIONS LIMITED OFFICIAL USE

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PAGE 03 STATE 215420

REQUIRE THE USG TO CONDITION SUCH ACTIONS ON APPROPRIATE STEPS TO PROVIDE PROMPT, ADEQUATE AND EFFECTIVE COMPENSATION TO AMERICAN CITIZENS WHOSE PROPERTY HAS BEEN NATIONALIZED BY HOST GOVERNMENTS.

-- APPROPRIATE STEPS CAN INCLUDE, BUT ARE NOT LIMITED TO, ARBITRATION, AGREEMENT TO INDEPENDENT VALUATION OF THE PROPERTY, OR GOOD FAITH NEGOTIATIONS TO REACH A MUTUALLY ACCEPTABLE SETTLEMENT OF THE CLAIM. VANCE

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